

HOUSE BILL 453

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11r2388
CF SB 269

By: **Delegates Jameson and Minnick**

Introduced and read first time: February 4, 2011

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 16, 2011

CHAPTER _____

1 AN ACT concerning

2 **Workers' Compensation – Jurisdiction Pending Appeal – Proposed**
3 **Settlement**

4 FOR the purpose of expanding the circumstances under which the Workers'
5 Compensation Commission retains jurisdiction pending an appeal of a
6 Commission order to include a request for approval of a proposed settlement of
7 all or part of a claim; and generally relating to the jurisdiction of the
8 Commission pending an appeal of a workers' compensation order.

9 BY repealing and reenacting, with amendments,
10 Article – Labor and Employment
11 Section 9–742
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2010 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Labor and Employment**

17 9–742.

18 (a) The Commission retains jurisdiction pending an appeal to consider:

19 (1) a request for additional medical treatment and attention; [and]

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2) a request for temporary total disability benefits, provided that the
2 covered employee's temporary total disability benefits were granted in the order on
3 appeal, and were terminated by the insurer or self-insurer pending adjudication or
4 resolution of the appeal; AND

5 **(3) A REQUEST FOR APPROVAL OF A PROPOSED SETTLEMENT OF**
6 **ALL OR PART OF A CLAIM.**

7 (b) (1) If the Commission finds that a covered employee needs additional
8 medical attention pending an appeal, the Commission may pass a supplemental order
9 requiring the employer to provide additional medical treatment and attention.

10 (2) If the Commission finds that a covered employee's temporary total
11 disability benefits were terminated pending adjudication or resolution of the appeal,
12 and that the employee was temporarily totally disabled at the time of termination, the
13 Commission may pass a supplemental order requiring the employer to provide the
14 employee with temporary total disability benefits.

15 (3) If the Commission's decision to reinstate temporary total disability
16 benefits is reversed or modified on appeal, the insurer or self-insurer shall be entitled
17 to an offset or credit for overpayment of the temporary total disability benefits granted
18 in the supplemental order.

19 (c) A supplemental order passed by the Commission under this section is
20 subject to review on the pending appeal.

21 (d) When an appeal that is pending relates solely to a penalty imposed by the
22 Commission, the Commission retains jurisdiction over all matters in the case other
23 than imposition of the penalty.

24 (e) This section may not be construed to prevent the Commission from
25 ordering an offset or credit against an award for temporary total or permanent partial
26 disability benefits for any temporary total disability benefits previously paid to a
27 covered employee, as authorized under any other provision of this title.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2011.